

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of January 3, 2012 Meeting

Present: David DeAngelis-Chair, John Bart – Vice Chair, Mark Enander, Lori Lyle, John Barr, Ronald Del Vecchio, Barry Nickerson, Anthony DeSisto, Esq. (Town Solicitor)

Minutes

Motion made by Member Enander to approve Minutes from the December 6, 2011 meeting as presented. Motion seconded by Member Bart. Motion carried by all present.

Miscellaneous

Chair informed the Board that there was an error with the posting on the Secretary of State Open Meeting site and Town Hall meeting board. The posting stated the meeting being held on January 4, 2012.

The advertisement in The Valley Breeze and notices mailed to abutters listed the correct date of January 3, 2012.

Applications

Peter J. DiPaola, 32 South Eagle Nest Drive, Lincoln, RI – Application for Dimensional Variance seeking rear setback relief for an existing accessory structure.

AP 40, Lot 95 Zoned: RA 40

Chair informed the Board that he received correspondence from Attorney John Shekarchi stating he had recently been retained by applicant and requested that the application be continued to the March 6, 2012 agenda.

Motion made by Member Bart and seconded by Member Barr to continue the application to the March 6, 2012 agenda. Motion carried by all present.

Bryan & Stella Tamul, 12 Longmeadow Road, Lincoln, RI – Application for Dimensional Variance seeking side and rear yard relief for the construction of an addition.

AP 28, Lot 131 Zoned: RA 40

Chair reiterated Secretary of State website posting error and inquired if applicants wished to proceed at their own risk. They replied in the affirmative.

Chair read into the record standards that need to be met for a Dimensional Variance.

Applicants would like to construct an addition and need side and rear relief. House is cape style with attached 2-car garage. It is their intention to convert the existing garage into a family room and build a

mud room and new 2-car garage. Cannot build into the northwest side because of leeching field and there is slate behind the property. They have hired a surveyor. Siding and roofing for addition will match existing house.

Russell Hervieux, Zoning Official informed the Board that there is a discrepancy with the dimensions listed on the application – calculations are not accurate. The Board should use the Town's numbers if they grant the application for relief. The site plan shows the existing house stairway with a platform at the rear which exceeds into the setback 70.5 feet. If the Board grants relief the will need to also grant 4.50 feet at the rear for the staircase.

Member Barr needed to leave the meeting – Member DelVecchio will sit on all applications before the Board will full privileges.

No opposition present.

Chair read into the record Planning Board/Technical Review Committee recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval of this application for a dimensional variance from the side and rear yard setbacks for the construction of an addition. The Planning Board feels that the proposed location of the new addition is limited due to the existing ledge outcropping running

the length of the property in the backyard. The configuration of the existing house also makes reasonable sense for the location of the new addition. The Planning Board finds that the applicant presents a realistic site layout that meets the intent of the zoning and is the least relief needed. The Planning Board feels that granting these dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

In Favor:

Guy Genesse, 10 Longmeadow Drive, Lincoln, RI

He is an abutter and is in favor of the application.

Motion made by Member DeVecchio to grant the application. Motion seconded by Chair DeAngelis to grant 11.42 feet side relief to east corner; 10.77 feet side relief to west corner; 20.0 feet rear relief at southwest corner; 1.10 feet rear relief at northwest corner; and 4.50 feet rear relief to stairway. He further stated:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.**
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln**

Zoning Ordinance or the Lincoln Comprehensive Plan.

- **The relief requested is the least relief necessary.**
- **The hardship amounts to more than a mere inconvenience, meaning there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property**

Motion carried by all present.

YMCA of Pawtucket, Inc., 660 Roosevelt Avenue, Pawtucket, RI/MacColl YMCA, 26 Breakneck Hill Road, Lincoln, RI – Application for Special Use Permit for additional signage at property located at 26 Breakneck Hill Road, Lincoln, RI.

AP 25, Lots 58, 68, 69 and 71 Zoned: RA 40

Represented by: Robert Cioffi, Executive Director YMCA

Chair reiterated Secretary of State website posting error and inquired if applicants wished to proceed at their own risk. They replied in the affirmative.

Applicant is constructing a new facility at the site and hopes for its completion August 2012. They would like to replace existing street signage and set it further back from the road (signage for the new building, existing buildings and directional signage). Chair stated the application did not clarify what type of signage they were looking for – no signs dimensions were provided. It would be difficult for the

Board to render a decision based on the contents of the application as presented. Applicant is asking for sixteen different signs without providing exact measurements or specifying where signs will be located.

Chair recommended continuing the application to the February agenda so applicant could return with accurate sign dimensions and proposed locations for each proposed sign. Russell Hervieux, Zoning Official stated it would be best to handle the application similar as was the Lincoln Mall application – cap total square footage for signage on the site. Several lots are involved and applicant should break down which signs on which lots with individual sign dimensions. Applicant requested the application be continued to the February agenda.

Chair read into the record standards that need to be met for a Special Use Permit.

Chair read into the record Planning Board/Technical Review Committee recommendation:

Members of the Technical Review Committee visited the site and reviewed the plans and the application for a special use permit for additional signage at property located at 26 Breakneck Hill Road. The submitted application is for a total of sixteen signs of various sizes and located throughout the property. The Planning Board recommends Approval with Conditions. The condition of approval is

that no sign shall have LED lighting or any lighting similar to LED, will not scroll messages, and will not flash.

The Planning Board feels that due to the historic nature of this roadway and due to the fact that Breakneck Hill Road is designated as a “Scenic Highway” by the State of Rhode Island, that any sign that will be seen from travelers along this road should be discrete in nature. The Planning Board paid special attention to sign #1 and sign #16. Sign #1 is proposed to be “internally lighted”, while sign #16 is proposed to be “internally lighted” and their program announcements to be “lighted lettering”. A full explanation of what “lighted lettering” means was not provided in the application. Therefore, the Planning Board made the above condition of approval. The Planning Board would like to bring to the Zoning Board’s attention that the application does not contain any measurements of the proposed signage. Enforcement of this application, if approved, will not be possible without these measurements. The Planning Board recommends that this information be provided to the Zoning Board and made part of the official record of approval.

Motion made by Chair and seconded by Member Bart to continue the application to the February agenda. Motion carried by all present.

Motion made by Member Bart and seconded by Member Enander to adjourn the meeting. Motion carried by all present.

Respectfully submitted,
Ghislaine D. Therien
Zoning Secretary